

ARTICLE 6

HUMAN RIGHTS LAW

Section 1. Minnesota Statutes 2020, section 13.552, is amended by adding a subdivision to read:

Subd. 8. **Certificate of compliance for public contracts.** Access to data relating to certificates of compliance for public contracts is governed by section 363A.36.

Sec. 2. **[62A.082] NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given unless the context clearly requires otherwise.

(b) "Disability" has the meaning given in section 363A.03, subdivision 12.

(c) "Enrollee" means a natural person covered by a health plan or group health plan and includes an insured, policy holder, subscriber, covered person, member, contract holder, or certificate holder.

(d) "Organ transplant" means the transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

Subd. 2. **Transplant discrimination prohibited.** A health plan or group health plan that provides coverage for anatomical gifts, organ transplants, or related treatment and services shall not:

(1) deny coverage to an enrollee based on the enrollee's disability;

(2) deny eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the health plan or group health plan solely for the purpose of avoiding the requirements of this section;

(3) penalize or otherwise reduce or limit the reimbursement of a health care provider, or provide monetary or nonmonetary incentives to a health care provider, to induce the provider to provide care to a patient in a manner inconsistent with this section; or

(4) reduce or limit an enrollee's coverage benefits because of the enrollee's disability for medical services and other services related to organ transplantation performed pursuant to this section as determined in consultation with the enrollee's treating health care provider and the enrollee.

Subd. 3. **Collective bargaining.** In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement imposed

SECTION 62A.082 IS ALSO IN THE HEALTH AND HUMAN SERVICES  
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51.12 pursuant to this section shall not be treated as a termination of the collective bargaining  
51.13 agreement.

51.14 Subd. 4. **Coverage limitation.** Nothing in this section shall be deemed to require a health  
51.15 plan or group health plan to provide coverage for a medically inappropriate organ transplant.

51.16 Sec. 3. Minnesota Statutes 2020, section 363A.02, subdivision 1, is amended to read:

51.17 Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to  
51.18 secure for persons in this state, freedom from discrimination:

51.19 (1) in employment because of race, color, creed, religion, national origin, sex, marital  
51.20 status, disability, status with regard to public assistance, sexual orientation, familial status,  
51.21 and age;

51.22 (2) in housing and real property because of race, color, creed, religion, national origin,  
51.23 sex, marital status, disability, status with regard to public assistance, sexual orientation, and  
51.24 familial status;

51.25 (3) in public accommodations because of race, color, creed, religion, national origin,  
51.26 sex, sexual orientation, and disability;

51.27 (4) in public services because of race, color, creed, religion, national origin, sex, marital  
51.28 status, disability, sexual orientation, and status with regard to public assistance; and

51.29 (5) in education because of race, color, creed, religion, national origin, sex, marital status,  
51.30 disability, status with regard to public assistance, sexual orientation, and age.

51.31 (b) Such discrimination threatens the rights and privileges of the inhabitants of this state  
51.32 and menaces the institutions and foundations of democracy. It is also the public policy of  
52.1 this state to protect all persons from wholly unfounded charges of discrimination. Nothing  
52.2 in this chapter shall be interpreted as restricting the implementation of positive action  
52.3 programs to combat discrimination.

52.4 Sec. 4. Minnesota Statutes 2020, section 363A.06, subdivision 1, is amended to read:

52.5 Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies  
52.6 to effectuate the purposes of this chapter and shall do the following:

52.7 (1) exercise leadership under the direction of the governor in the development of human  
52.8 rights policies and programs, and make recommendations to the governor and the legislature  
52.9 for their consideration and implementation;

52.10 (2) establish and maintain a principal office in St. Paul, and any other necessary branch  
52.11 offices at any location within the state;

52.12 (3) meet and function at any place within the state;

52.13 (4) employ attorneys, clerks, and other employees and agents as the commissioner may  
52.14 deem necessary and prescribe their duties;

52.15 (5) to the extent permitted by federal law and regulation, utilize the records of the  
52.16 Department of Employment and Economic Development of the state when necessary to  
52.17 effectuate the purposes of this chapter;

52.18 (6) obtain upon request and utilize the services of all state governmental departments  
52.19 and agencies;

52.20 (7) adopt suitable rules for effectuating the purposes of this chapter;

52.21 (8) issue complaints, receive and investigate charges alleging unfair discriminatory  
52.22 practices, and determine whether or not probable cause exists for hearing;

52.23 (9) subpoena witnesses, administer oaths, take testimony, and require the production for  
52.24 examination of any books or papers relative to any matter under investigation or in question  
52.25 as the commissioner deems appropriate to carry out the purposes of this chapter;

52.26 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate  
52.27 unfair discriminatory practices as being contrary to the public policy of the state;

52.28 (11) develop and conduct programs of formal and informal education designed to  
52.29 eliminate discrimination and intergroup conflict by use of educational techniques and  
52.30 programs the commissioner deems necessary;

53.1 (12) make a written report of the activities of the commissioner to the governor each  
53.2 year;

53.3 (13) accept gifts, bequests, grants, or other payments public and private to help finance  
53.4 the activities of the department;

53.5 (14) create such local and statewide advisory committees as will in the commissioner's  
53.6 judgment aid in effectuating the purposes of the Department of Human Rights;

53.7 (15) develop such programs as will aid in determining the compliance throughout the  
53.8 state with the provisions of this chapter, and in the furtherance of such duties, conduct  
53.9 research and study discriminatory practices based upon race, color, creed, religion, national  
53.10 origin, sex, age, disability, marital status, status with regard to public assistance, familial  
53.11 status, sexual orientation, or other factors and develop accurate data on the nature and extent  
53.12 of discrimination and other matters as they may affect housing, employment, public  
53.13 accommodations, schools, and other areas of public life;

53.14 (16) develop and disseminate technical assistance to persons subject to the provisions  
53.15 of this chapter, and to agencies and officers of governmental and private agencies;

53.16 (17) provide staff services to such advisory committees as may be created in aid of the  
53.17 functions of the Department of Human Rights;

53.18 (18) make grants in aid to the extent that appropriations are made available for that  
53.19 purpose in aid of carrying out duties and responsibilities; ~~and~~

53.20 (19) cooperate and consult with the commissioner of labor and industry regarding the  
53.21 investigation of violations of, and resolution of complaints regarding section 363A.08,  
53.22 subdivision 7;

53.23 (20) collaborate and consult with the Board of Peace Officer Standards and Training  
53.24 regarding the training of peace officers in identifying, responding to, and reporting crimes  
53.25 motivated by bias pursuant to sections 626.8451, subdivision 1, and 626.8469, including  
53.26 but not limited to the duty of peace officers to report crimes motivated by bias under section  
53.27 626.5531; and

53.28 (21) solicit, receive, and compile reports from community organizations, school districts  
53.29 and charter schools, and individuals regarding crimes a community member or community  
53.30 organization believes are motivated by the victim's or another's actual or perceived race,  
53.31 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,  
53.32 age, national origin, marital status, status with regard to public assistance, familial status,  
53.33 or disability as defined in section 363A.03, or because of the victim's actual or perceived  
54.1 association with another person or group of a certain actual or perceived race, color, ethnicity,  
54.2 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national  
54.3 origin, or disability as defined in section 363A.03, and develop data on the nature and extent  
54.4 of crimes motivated by bias and include this information in the report required under clause  
54.5 (12). The commissioner shall provide information on the department's website about when  
54.6 and how a victim reports criminal conduct to a law enforcement agency.

54.7 In performing these duties, the commissioner shall give priority to those duties in clauses  
54.8 (8), (9), and (10) and to the duties in section 363A.36.

54.9 (b) All gifts, bequests, grants, or other payments, public and private, accepted under  
54.10 paragraph (a), clause (13), must be deposited in the state treasury and credited to a special  
54.11 account. Money in the account is appropriated to the commissioner of human rights to help  
54.12 finance activities of the department.

54.13 Sec. 5. Minnesota Statutes 2020, section 363A.08, subdivision 6, is amended to read:

54.14 Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational  
54.15 qualification, it is an unfair employment practice for an employer with a number of part-time  
54.16 or full-time employees for each working day in each of 20 or more calendar weeks in the  
54.17 current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and  
54.18 equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor  
54.19 organization, not to ~~make~~ provide a reasonable accommodation ~~to the known disability of~~  
54.20 ~~a qualified disabled person or job applicant~~ for a job applicant or qualified employee with  
54.21 a disability unless the employer, agency, or organization can demonstrate that the  
54.22 accommodation would impose an undue hardship on the business, agency, or organization.  
54.23 "Reasonable accommodation" means steps which must be taken to accommodate the known  
54.24 physical or mental limitations of a qualified ~~disabled person~~ individual with a disability.  
54.25 To determine the appropriate reasonable accommodation the employer, agency, or  
54.26 organization shall initiate an informal, interactive process with the individual with a disability

54.27 in need of the accommodation. This process should identify the limitations resulting from  
54.28 the disability and any potential reasonable accommodations that could overcome those  
54.29 limitations. "Reasonable accommodation" may include but is not limited to, nor does it  
54.30 necessarily require: (1) making facilities readily accessible to and usable by disabled persons  
54.31 individuals with disabilities; and (2) job restructuring, modified work schedules, reassignment  
54.32 to a vacant position, acquisition or modification of equipment or devices, and the provision  
54.33 of aides on a temporary or periodic basis.

55.1 (b) In determining whether an accommodation would impose an undue hardship on the  
55.2 operation of a business or organization, factors to be considered include:

55.3 (1) the overall size of the business or organization with respect to number of employees  
55.4 or members and the number and type of facilities;

55.5 (2) the type of the operation, including the composition and structure of the work force,  
55.6 and the number of employees at the location where the employment would occur;

55.7 (3) the nature and cost of the needed accommodation;

55.8 (4) the reasonable ability to finance the accommodation at each site of business; and

55.9 (5) documented good faith efforts to explore less restrictive or less expensive alternatives,  
55.10 including consultation with the disabled person or with knowledgeable disabled persons or  
55.11 organizations.

55.12 A prospective employer need not pay for an accommodation for a job applicant if it is  
55.13 available from an alternative source without cost to the employer or applicant.

55.14 Sec. 6. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to  
55.15 read:

55.16 Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this  
55.17 subdivision means any prior or current wage, salary, earnings, benefits, or any other  
55.18 compensation about an applicant for employment.

55.19 (b) An employer, employment agency, or labor organization shall not inquire into,  
55.20 consider, or require disclosure from any source the pay history of an applicant for  
55.21 employment for the purpose of determining wages, salary, earnings, benefits, or other  
55.22 compensation for that applicant. There is a rebuttable presumption that use of pay history  
55.23 received on an applicant for employment to determine the future wages, salary, earnings,  
55.24 benefits, or other compensation for that applicant is an unfair discriminatory employment  
55.25 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay  
55.26 history of an applicant does not apply if the job applicant's pay history is a matter of public  
55.27 record under federal or state law, unless the employer, employment agency, or labor  
55.28 organization sought access to those public records with the intent of obtaining pay history  
55.29 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other  
55.30 compensation for that applicant.

55.31 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily  
55.32 and without prompting disclosing pay history for the purposes of negotiating wages, salary,  
56.1 benefits, or other compensation. If an applicant for employment voluntarily and without  
56.2 prompting discloses pay history to a prospective employer, employment agency, or labor  
56.3 organization, nothing in this subdivision shall prohibit that employer, employment agency,  
56.4 or labor organization from considering or acting on that voluntarily disclosed salary history  
56.5 information to support a wage or salary higher than initially offered by the employer,  
56.6 employment agency, or labor organization.

56.7 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a  
56.8 charge, grievance, or any other cause of action alleging wage discrimination because of  
56.9 race, color, creed, religion, national origin, sex, gender identity, marital status, status with  
56.10 regard to public assistance, familial status, membership or activity in a local commission,  
56.11 disability, sexual orientation, or age, as otherwise provided in this chapter.

56.12 (e) Nothing in this subdivision shall be construed to prevent an employer from:

56.13 (1) providing information about the wages, benefits, compensation, or salary offered in  
56.14 relation to a position; or

56.15 (2) inquiring about or otherwise engaging in discussions with an applicant about the  
56.16 applicant's expectations or requests with respect to wages, salary, benefits, or other  
56.17 compensation.

56.18 **EFFECTIVE DATE.** This section is effective January 1, 2022. For employment covered  
56.19 by collective bargaining agreements, this section is not effective until the date of  
56.20 implementation of the applicable collective bargaining agreement that is after January 1,  
56.21 2022.

56.22 Sec. 7. Minnesota Statutes 2020, section 363A.09, subdivision 1, is amended to read:

56.23 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an  
56.24 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent  
56.25 of, or other person having the right to sell, rent or lease any real property, or any agent of  
56.26 any of these:

56.27 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or  
56.28 group of persons any real property because of race, color, creed, religion, national origin,  
56.29 sex, marital status, status with regard to public assistance, participation in or requirements  
56.30 of a public assistance program, disability, sexual orientation, or familial status; or

56.31 (2) to discriminate against any person or group of persons because of race, color, creed,  
56.32 religion, national origin, sex, marital status, status with regard to public assistance,  
56.33 participation in or requirements of a public assistance program, disability, sexual orientation,  
57.1 or familial status in the terms, conditions or privileges of the sale, rental or lease of any real  
57.2 property or in the furnishing of facilities or services in connection therewith, except that  
57.3 nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended

57.4 to protect the safety of minors in their use of the real property or any facilities or services  
57.5 furnished in connection therewith; or

57.6 (3) in any transaction involving real property, to print, circulate or post or cause to be  
57.7 printed, circulated, or posted any advertisement or sign, or use any form of application for  
57.8 the purchase, rental or lease of real property, or make any record or inquiry in connection  
57.9 with the prospective purchase, rental, or lease of real property which expresses, directly or  
57.10 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,  
57.11 national origin, sex, marital status, status with regard to public assistance, participation in  
57.12 or requirements of a public assistance program, disability, sexual orientation, or familial  
57.13 status, or any intent to make any such limitation, specification, or discrimination except that  
57.14 nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as  
57.15 available to adults-only if the person placing the advertisement reasonably believes that the  
57.16 provisions of this section prohibiting discrimination because of familial status do not apply  
57.17 to the dwelling unit.

57.18 Sec. 8. Minnesota Statutes 2020, section 363A.09, subdivision 2, is amended to read:

57.19 Subd. 2. **Real property interest; action by brokers, agents, and others.** (a) It is an  
57.20 unfair discriminatory practice for a real estate broker, real estate salesperson, or employee,  
57.21 or agent thereof:

57.22 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property  
57.23 to any person or group of persons or to negotiate for the sale, rental, or lease of any real  
57.24 property to any person or group of persons because of race, color, creed, religion, national  
57.25 origin, sex, marital status, status with regard to public assistance, participation in or  
57.26 requirements of a public assistance program, disability, sexual orientation, or familial status  
57.27 or represent that real property is not available for inspection, sale, rental, or lease when in  
57.28 fact it is so available, or otherwise deny or withhold any real property or any facilities of  
57.29 real property to or from any person or group of persons because of race, color, creed, religion,  
57.30 national origin, sex, marital status, status with regard to public assistance, participation in  
57.31 or requirements of a public assistance program, disability, sexual orientation, or familial  
57.32 status; or

57.33 (2) to discriminate against any person because of race, color, creed, religion, national  
57.34 origin, sex, marital status, status with regard to public assistance, participation in or  
58.1 requirements of a public assistance program, disability, sexual orientation, or familial status  
58.2 in the terms, conditions or privileges of the sale, rental or lease of real property or in the  
58.3 furnishing of facilities or services in connection therewith; or

58.4 (3) to print, circulate, or post or cause to be printed, circulated, or posted any  
58.5 advertisement or sign, or use any form of application for the purchase, rental, or lease of  
58.6 any real property or make any record or inquiry in connection with the prospective purchase,  
58.7 rental or lease of any real property, which expresses directly or indirectly, any limitation,  
58.8 specification or discrimination as to race, color, creed, religion, national origin, sex, marital  
58.9 status, status with regard to public assistance, participation in or requirements of a public

58.10 assistance program, disability, sexual orientation, or familial status or any intent to make  
58.11 any such limitation, specification, or discrimination except that nothing in this clause shall  
58.12 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if  
58.13 the person placing the advertisement reasonably believes that the provisions of this section  
58.14 prohibiting discrimination because of familial status do not apply to the dwelling unit.

58.15 (b) It is an unfair discriminatory practice for a landlord to furnish credit, services, or  
58.16 rental accommodations that discriminate against any individual who is a recipient of federal,  
58.17 state, or local public assistance, including medical assistance, or who is a tenant receiving  
58.18 federal, state, or local housing subsidies, including rental assistance or rental supplements,  
58.19 because the individual is such a recipient, or because of any requirement of such public  
58.20 assistance, rental assistance, or housing subsidy program.

58.21 Sec. 9. Minnesota Statutes 2020, section 363A.09, is amended by adding a subdivision to  
58.22 read:

58.23 Subd. 2a. **Definition; public assistance program.** For the purposes of this section,  
58.24 "public assistance program" means federal, state, or local assistance, including but not  
58.25 limited to rental assistance, rent supplements, and housing choice vouchers.

58.26 Sec. 10. Minnesota Statutes 2020, section 363A.28, subdivision 1, is amended to read:

58.27 Subdivision 1. **Actions.** Any person aggrieved by a violation of this chapter may bring  
58.28 a civil action as provided in section 363A.33, subdivision 1, or may file a verified charge  
58.29 with the commissioner or the commissioner's designated agent. A charge filed with the  
58.30 commissioner must be in writing by hand, or electronically with an unsworn declaration  
58.31 under penalty of perjury, on a form provided by the commissioner and signed by the charging  
58.32 party. The charge must state the name of the person alleged to have committed an unfair  
58.33 discriminatory practice and set out a summary of the details of the practice complained of.  
59.1 The commissioner may require a charging party to provide the address of the person alleged  
59.2 to have committed the unfair discriminatory practice, names of witnesses, documents, and  
59.3 any other information necessary to process the charge. The commissioner may dismiss a  
59.4 charge when the charging party fails to provide required information. The commissioner  
59.5 within ten days of the filing shall serve a copy of the charge and a form for use in responding  
59.6 to the charge upon the respondent personally, electronically with the receiving party's  
59.7 consent, or by mail. The respondent shall file with the department a written response setting  
59.8 out a summary of the details of the respondent's position relative to the charge within ~~20~~  
59.9 30 days of receipt of the charge. If the respondent fails to respond with a written summary  
59.10 of the details of the respondent's position within 30 days after service of the charge, and  
59.11 service was consistent with rule 4 of the Rules of Civil Procedure, the commissioner, on  
59.12 behalf of the complaining party, may bring an action for default in district court pursuant  
59.13 to rule 55.01 of the Rules of Civil Procedure.



59.14 Sec. 11. Minnesota Statutes 2020, section 363A.28, subdivision 6, is amended to read:

59.15 Subd. 6. **Charge processing.** (a) Consistent with paragraph (h), the commissioner shall  
59.16 promptly inquire into the truth of the allegations of the charge. The commissioner shall  
59.17 make an immediate inquiry when a charge alleges actual or threatened physical violence.  
59.18 The commissioner shall also make an ~~immediate~~ inquiry when it appears that a charge is  
59.19 frivolous or without merit and shall dismiss those charges.

59.20 (b) The commissioner shall give priority to investigating and processing those charges,  
59.21 in the order below, which the commissioner determines have the following characteristics:

59.22 (1) there is evidence of irreparable harm if immediate action is not taken;

59.23 (2) there is evidence that the respondent has intentionally engaged in a reprisal;

59.24 (3) a significant number of recent charges have been filed against the respondent;

59.25 (4) the respondent is a government entity;

59.26 (5) there is potential for broadly promoting the policies of this chapter; or

59.27 (6) the charge is supported by substantial and credible documentation, witnesses, or  
59.28 other evidence.

59.29 The commissioner shall inform charging parties of these priorities and shall tell each  
59.30 party if their charge is a priority case or not.

60.1 On other charges the commissioner shall make a determination within 12 months after  
60.2 the charge was filed as to whether or not there is probable cause to credit the allegation of  
60.3 unfair discriminatory practices.

60.4 (c) If the commissioner determines after investigation that no probable cause exists to  
60.5 credit the allegations of the unfair discriminatory practice, the commissioner shall, within  
60.6 ten days of the determination, serve upon the charging party and respondent written notice  
60.7 of the determination. Within ~~ten~~ 30 days after receipt of notice, the charging party may  
60.8 request in writing, on forms prepared by the department, that the commissioner reconsider  
60.9 the determination. The request shall contain a brief statement of the reasons for and new  
60.10 evidence in support of the request for reconsideration. At the time of submission of the  
60.11 request to the commissioner, the charging party shall deliver or mail to the respondent a  
60.12 copy of the request for reconsideration. The commissioner shall reaffirm, reverse, or vacate  
60.13 and remand for further consideration the determination of no probable cause within 20 days  
60.14 after receipt of the request for reconsideration, and shall within ten days notify in writing  
60.15 the charging party and respondent of the decision to reaffirm, reverse, or vacate and remand  
60.16 for further consideration.

60.17 A decision by the commissioner that no probable cause exists to credit the allegations  
60.18 of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant  
60.19 to section ~~363A.36~~ 363A.34 or sections 14.63 to 14.68.

60.20 (d) If the commissioner determines after investigation that probable cause exists to credit  
60.21 the allegations of unfair discriminatory practices, the commissioner shall serve on the  
60.22 respondent and the respondent's attorney if the respondent is represented by counsel, by  
60.23 first class mail, or electronically with the receiving party's consent, a notice setting forth a  
60.24 short plain written statement of the alleged facts which support the finding of probable cause  
60.25 and an enumeration of the provisions of law allegedly violated. Within 30 days after receipt  
60.26 of notice, the respondent may request in writing, on forms prepared by the department, that  
60.27 the commissioner reconsider the determination. If the commissioner determines that attempts  
60.28 to eliminate the alleged unfair practices through conciliation pursuant to subdivision 8 have  
60.29 been or would be unsuccessful or unproductive, the commissioner ~~shall~~ may issue a complaint  
60.30 and serve on the respondent, by registered or certified mail, or electronically with the  
60.31 receiving party's consent, a written notice of hearing together with a copy of the complaint,  
60.32 requiring the respondent to answer the allegations of the complaint at a hearing before an  
60.33 administrative law judge at a time and place specified in the notice, not less than ten days  
60.34 after service of said complaint. A copy of the notice shall be furnished to the charging party  
60.35 and the attorney general.

61.1 (e) If, at any time after the filing of a charge, the commissioner has reason to believe  
61.2 that a respondent has engaged in any unfair discriminatory practice, the commissioner may  
61.3 file a petition in the district court in a county in which the subject of the complaint occurs,  
61.4 or in a county in which a respondent resides or transacts business, seeking appropriate  
61.5 temporary relief against the respondent, pending final determination of proceedings under  
61.6 this chapter, including an order or decree restraining the respondent from doing or procuring  
61.7 an act tending to render ineffectual an order the commissioner may enter with respect to  
61.8 the complaint. The court shall have power to grant temporary relief or a restraining order  
61.9 as it deems just and proper, but no relief or order extending beyond ten days shall be granted  
61.10 except by consent of the respondent or after hearing upon notice to the respondent and a  
61.11 finding by the court that there is reasonable cause to believe that the respondent has engaged  
61.12 in a discriminatory practice. Except as modified by subdivisions 1 to 9 and section 363A.06,  
61.13 subdivision 4, the Minnesota Rules of Civil Procedure shall apply to an application, and  
61.14 the district court shall have authority to grant or deny the relief sought on conditions as it  
61.15 deems just and equitable. All hearings under subdivisions 1 to 9 and section 363A.06,  
61.16 subdivision 4, shall be given precedence as nearly as practicable over all other pending civil  
61.17 actions.

61.18 (f) If a lessor, after engaging in a discriminatory practice defined in section 363A.09,  
61.19 subdivision 1, clause (1), leases or rents a dwelling unit to a person who has no knowledge  
61.20 of the practice or of the existence of a charge with respect to the practice, the lessor shall  
61.21 be liable for actual damages sustained by a person by reason of a final order as provided in  
61.22 subdivisions 1 to 9 and section 363A.06, subdivision 4, requiring the person to be evicted  
61.23 from the dwelling unit.

61.24 (g) In any complaint issued under subdivisions 1 to 9 and section 363A.06, subdivision  
61.25 4, the commissioner may seek relief for a class of individuals affected by an unfair

61.26 discriminatory practice occurring on or after a date one year prior to the filing of the charge  
61.27 from which the complaint originates.

61.28 (h) The commissioner may adopt policies to determine which charges are processed and  
61.29 the order in which charges are processed based on their particular social or legal significance,  
61.30 administrative convenience, difficulty of resolution, or other standard consistent with the  
61.31 provisions of this chapter.

61.32 (i) The chief administrative law judge shall adopt policies to provide sanctions for  
61.33 intentional and frivolous delay caused by any charging party or respondent in an investigation,  
61.34 hearing, or any other aspect of proceedings before the department under this chapter.

62.1 Sec. 12. Minnesota Statutes 2020, section 363A.31, subdivision 2, is amended to read:

62.2 Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this  
62.3 chapter which purports to apply to claims arising out of acts or practices prior to, or  
62.4 concurrent with, the execution of the waiver or release may be rescinded within 15 calendar  
62.5 days of its execution, except that a waiver or release given in settlement of a claim filed  
62.6 with the department or with another administrative agency or judicial body is valid and final  
62.7 upon execution. A waiving or releasing party shall be informed in writing of the right to  
62.8 rescind the waiver or release. To be effective, the rescission must be in writing and delivered  
62.9 to the waived or released party ~~either by hand,~~ electronically with the receiving party's  
62.10 consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

62.11 (1) postmarked within the 15-day period;

62.12 (2) properly addressed to the waived or released party; and

62.13 (3) sent by certified mail return receipt requested.

62.14 Sec. 13. Minnesota Statutes 2020, section 363A.33, subdivision 3, is amended to read:

62.15 Subd. 3. **Summons and complaints in a civil action.** A charging party bringing a civil  
62.16 action shall mail by registered or certified mail, or electronically with the receiving party's  
62.17 consent, a copy of the summons and complaint to the commissioner, and upon their receipt  
62.18 the commissioner shall terminate all proceedings in the department relating to the charge.  
62.19 No charge shall be filed or reinstituted with the commissioner after a civil action relating  
62.20 to the same unfair discriminatory practice has been brought unless the civil action has been  
62.21 dismissed without prejudice.

62.22 Sec. 14. Minnesota Statutes 2020, section 363A.36, subdivision 1, is amended to read:

62.23 Subdivision 1. **Scope of application.** ~~(a) For all contracts for goods and services in~~  
62.24 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~  
62.25 ~~for a contract or agreement from any business having more than 40 full time employees~~  
62.26 ~~within this state on a single working day during the previous 12 months, unless the~~  
62.27 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~  
62.28 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~

62.29 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~  
62.30 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~  
62.31 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~  
62.32 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~  
63.1 ~~No department, agency of the state, the Metropolitan Council, or agency subject to section~~  
63.2 ~~473.143, subdivision 1, shall execute a contract for goods or services in excess of \$100,000~~  
63.3 ~~with a business that has 40 or more full-time employees in this state or a state where the~~  
63.4 ~~business has its primary place of business on a single day during the prior 12 months, unless~~  
63.5 ~~the business has a workforce certificate from the commissioner of human rights or has~~  
63.6 ~~certified in writing that it is exempt. Determinations of exempt status shall be made by the~~  
63.7 ~~commissioner of human rights. A certificate is valid for four years. A municipality as defined~~  
63.8 ~~in section 466.01, subdivision 1, that receives state money for any reason is encouraged to~~  
63.9 ~~prepare and implement an affirmative action plan for the employment of minority persons,~~  
63.10 ~~people with disabilities, people of color, and women, and the qualified disabled and to~~  
63.11 ~~submit the plan to the commissioner.~~

63.12 ~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to~~  
63.13 ~~be entered into between a department or agency of the state and a business that is not subject~~  
63.14 ~~to paragraph (a), but that has more than 40 full-time employees on a single working day~~  
63.15 ~~during the previous 12 months in the state where the business has its primary place of~~  
63.16 ~~business. A department or agency of the state may not execute a contract or agreement with~~  
63.17 ~~a business covered by this paragraph unless the business has a certificate of compliance~~  
63.18 ~~issued by the commissioner under paragraph (a) or the business certifies that it is in~~  
63.19 ~~compliance with federal affirmative action requirements.~~

63.20 ~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of  
63.21 Investment for investment options under section 356.645.

63.22 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within  
63.23 15 days of the application submitted by the business or firm.

63.24 **EFFECTIVE DATE.** This section is effective June 1, 2021, and applies to contracts  
63.25 entered into on or after that date.

63.26 Sec. 15. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

63.27 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~  
63.28 ~~\$250~~ fee for each certificate of compliance issued by the commissioner or the commissioner's  
63.29 designated agent. The proceeds of the fee must be deposited in a human rights fee special  
63.30 revenue account. Money in the account is appropriated to the commissioner to fund the cost  
63.31 of issuing certificates and investigating grievances.

18.28 Sec. 3. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

18.29 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~  
18.30 ~~\$250~~ fee for each certificate of compliance issued by the commissioner or the commissioner's  
18.31 designated agent. The proceeds of the fee must be deposited in a human rights fee special  
19.1 revenue account. Money in the account is appropriated to the commissioner to fund the cost  
19.2 of issuing certificates and investigating grievances.

19.3 **EFFECTIVE DATE.** This section is effective for applications received on or after July  
19.4 1, 2021.

64.1 Sec. 16. Minnesota Statutes 2020, section 363A.36, subdivision 3, is amended to read:

64.2 Subd. 3. ~~Revocation of certificate~~ **Violations; remedies.** Certificates of compliance  
64.3 may be suspended or revoked by the commissioner if a holder of a certificate has not made  
64.4 a good faith effort to implement an affirmative action plan that has been approved by the  
64.5 commissioner. If a contractor does not effectively implement an affirmative action plan  
64.6 approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort  
64.7 to do so, the commissioner may refuse to approve subsequent plans submitted by that firm  
64.8 or business. The commissioner may impose fines or actions as follows:

64.9 (1) issue fines up to \$5,000 per violation; and

64.10 (2) suspend or revoke a certificate of compliance until the contractor has paid all  
64.11 outstanding fines and otherwise complies with this section.

64.12 **EFFECTIVE DATE.** This section is effective July 1, 2021, for all current and future  
64.13 certificate holders.

64.14 Sec. 17. Minnesota Statutes 2020, section 363A.36, subdivision 4, is amended to read:

64.15 Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the  
64.16 state, ~~the Metropolitan Council, or an agency subject to section 473.143, subdivision 1,~~ may  
64.17 be terminated or abridged by the ~~department or agency~~ awarding entity because of suspension  
64.18 or revocation of a certificate based upon a contractor's failure to implement or make a good  
64.19 faith effort to implement an affirmative action plan approved by the commissioner under  
64.20 this section. If a contract is awarded to a person who does not have a contract compliance  
64.21 certificate required under subdivision 1, the commissioner may void the contract on behalf  
64.22 of the state.

64.23 **EFFECTIVE DATE.** This section is effective June 1, 2021, and applies to contracts  
64.24 entered into on or after that date.

64.25 Sec. 18. Minnesota Statutes 2020, section 363A.36, is amended by adding a subdivision  
64.26 to read:

64.27 Subd. 6. **Access to data.** Data submitted to the commissioner related to a certificate of  
64.28 compliance are private data on individuals or nonpublic data with respect to persons other  
64.29 than department employees. The commissioner's decision to issue, not issue, revoke, or  
64.30 suspend or otherwise penalize a certificate holder of a certificate of compliance is public  
64.31 data. Applications, forms, or similar documents submitted by a business seeking a certificate  
64.32 of compliance are public data. The commissioner may disclose data classified as private or  
65.1 nonpublic under this subdivision to other state agencies, statewide systems, and political  
65.2 subdivisions for the purposes of achieving compliance with this section.

65.3 Sec. 19. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

65.4 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying  
65.5 a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the

19.5 Sec. 4. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

19.6 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying  
19.7 a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the

65.6 commissioner. The proceeds from the fees collected under this subdivision shall be deposited  
65.7 in an equal pay certificate special revenue account. Money in the account is appropriated  
65.8 to the commissioner for the purposes of this section. The commissioner shall issue an equal  
65.9 pay certificate of compliance to a business that submits to the commissioner a statement  
65.10 signed by the chairperson of the board or chief executive officer of the business:

65.11 (1) that the business is in compliance with Title VII of the Civil Rights Act of 1964,  
65.12 Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal  
65.13 Work Law;

65.14 (2) that the average compensation for its female employees is not consistently below  
65.15 the average compensation for its male employees within each of the major job categories  
65.16 in the EEO-1 employee information report for which an employee is expected to perform  
65.17 work under the contract, taking into account factors such as length of service, requirements  
65.18 of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or  
65.19 other mitigating factors;

65.20 (3) that the business does not restrict employees of one sex to certain job classifications  
65.21 and makes retention and promotion decisions without regard to sex;

65.22 (4) that wage and benefit disparities are corrected when identified to ensure compliance  
65.23 with the laws cited in clause (1) and with clause (2); and

65.24 (5) how often wages and benefits are evaluated to ensure compliance with the laws cited  
65.25 in clause (1) and with clause (2).

65.26 (b) The equal pay compliance statement shall also indicate whether the business, in  
65.27 setting compensation and benefits, utilizes:

65.28 (1) a market pricing approach;

65.29 (2) state prevailing wage or union contract requirements;

65.30 (3) a performance pay system;

65.31 (4) an internal analysis; or

66.1 (5) an alternative approach to determine what level of wages and benefits to pay its  
66.2 employees. If the business uses an alternative approach, the business must provide a  
66.3 description of its approach.

66.4 (c) Receipt of the equal pay compliance statement by the commissioner does not establish  
66.5 compliance with the laws set forth in paragraph (a), clause (1).

19.8 commissioner. The proceeds from the fees collected under this subdivision shall be deposited  
19.9 in an equal pay certificate special revenue account. Money in the account is appropriated  
19.10 to the commissioner for the purposes of this section. The commissioner shall issue an equal  
19.11 pay certificate of compliance to a business that submits to the commissioner a statement  
19.12 signed by the chairperson of the board or chief executive officer of the business:

19.13 (1) that the business is in compliance with Title VII of the Civil Rights Act of 1964,  
19.14 Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal  
19.15 Work Law;

19.16 (2) that the average compensation for its female employees is not consistently below  
19.17 the average compensation for its male employees within each of the major job categories  
19.18 in the EEO-1 employee information report for which an employee is expected to perform  
19.19 work under the contract, taking into account factors such as length of service, requirements  
19.20 of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or  
19.21 other mitigating factors;

19.22 (3) that the business does not restrict employees of one sex to certain job classifications  
19.23 and makes retention and promotion decisions without regard to sex;

19.24 (4) that wage and benefit disparities are corrected when identified to ensure compliance  
19.25 with the laws cited in clause (1) and with clause (2); and

19.26 (5) how often wages and benefits are evaluated to ensure compliance with the laws cited  
19.27 in clause (1) and with clause (2).

19.28 (b) The equal pay compliance statement shall also indicate whether the business, in  
19.29 setting compensation and benefits, utilizes:

19.30 (1) a market pricing approach;

19.31 (2) state prevailing wage or union contract requirements;

19.32 (3) a performance pay system;

20.1 (4) an internal analysis; or

20.2 (5) an alternative approach to determine what level of wages and benefits to pay its  
20.3 employees. If the business uses an alternative approach, the business must provide a  
20.4 description of its approach.

20.5 (c) Receipt of the equal pay compliance statement by the commissioner does not establish  
20.6 compliance with the laws set forth in paragraph (a), clause (1).

20.7 **EFFECTIVE DATE.** This section is effective for applications received on or after July  
20.8 1, 2021.

66.6 Sec. 20. Minnesota Statutes 2020, section 363A.44, subdivision 4, is amended to read:

66.7 Subd. 4. ~~Revocation of certificate~~ **Violations; remedies.** An equal pay certificate for  
66.8 a business may be suspended or revoked by the commissioner when the business fails to  
66.9 make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a),  
66.10 clause (1), fails to make a good-faith effort to comply with this section, or has multiple  
66.11 violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1).  
66.12 The commissioner may also issue a fine due to lack of compliance with this section of up  
66.13 to \$5,000 per violation. The commissioner may suspend or revoke an equal pay certificate  
66.14 until the business has paid all outstanding fines and otherwise complies with this section.  
66.15 Prior to issuing a fine or suspending or revoking a certificate, the commissioner must first  
66.16 have sought to conciliate with the business regarding wages and benefits due to employees.

66.17 **EFFECTIVE DATE.** This section is effective July 1, 2021, for all current and future  
66.18 certificate holders.

66.19 Sec. 21. Minnesota Statutes 2020, section 363A.44, subdivision 9, is amended to read:

66.20 Subd. 9. **Access to data.** Data submitted to the commissioner related to equal pay  
66.21 certificates are private data on individuals or nonpublic data with respect to persons other  
66.22 than department employees. The commissioner's decision to issue, not issue, revoke, or  
66.23 suspend or otherwise penalize a certificate holder of an equal pay certificate is public data.  
66.24 Applications, forms, or similar documents submitted by a business seeking an equal pay  
66.25 certificate are public data. The commissioner may disclose data classified as private or  
66.26 nonpublic under this subdivision to other state agencies, statewide systems, and political  
66.27 subdivisions for the purposes of achieving compliance with this section.

66.28 Sec. 22. **[363A.50] NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**

66.29 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
66.30 the meanings given unless the context clearly requires otherwise.

66.31 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

67.1 (c) "Auxiliary aids and services" include, but are not limited to:

67.2 (1) qualified interpreters or other effective methods of making aurally delivered materials  
67.3 available to individuals with hearing impairments;

67.4 (2) qualified readers, taped texts, texts in accessible electronic format, or other effective  
67.5 methods of making visually delivered materials available to individuals with visual  
67.6 impairments;

67.7 (3) the provision of information in a format that is accessible for individuals with  
67.8 cognitive, neurological, developmental, intellectual, or physical disabilities;

67.9 (4) the provision of supported decision-making services; and

- 67.10 (5) the acquisition or modification of equipment or devices.
- 67.11 (d) "Covered entity" means:
- 67.12 (1) any licensed provider of health care services, including licensed health care  
67.13 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric  
67.14 residential treatment facilities, institutions for individuals with intellectual or developmental  
67.15 disabilities, and prison health centers; or
- 67.16 (2) any entity responsible for matching anatomical gift donors to potential recipients.
- 67.17 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.
- 67.18 (f) "Organ transplant" means the transplantation or infusion of a part of a human body  
67.19 into the body of another for the purpose of treating or curing a medical condition.
- 67.20 (g) "Qualified individual" means an individual who, with or without available support  
67.21 networks, the provision of auxiliary aids and services, or reasonable modifications to policies  
67.22 or practices, meets the essential eligibility requirements for the receipt of an anatomical  
67.23 gift.
- 67.24 (h) "Reasonable modifications" include, but are not limited to:
- 67.25 (1) communication with individuals responsible for supporting an individual with  
67.26 postsurgical and post-transplantation care, including medication; and
- 67.27 (2) consideration of support networks available to the individual, including family,  
67.28 friends, and home and community-based services, including home and community-based  
67.29 services funded through Medicaid, Medicare, another health plan in which the individual  
67.30 is enrolled, or any program or source of funding available to the individual, in determining  
67.31 whether the individual is able to comply with post-transplant medical requirements.
- 68.1 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision  
68.2 16a.
- 68.3 Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of  
68.4 a qualified individual's mental or physical disability:
- 68.5 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;
- 68.6 (2) deny medical or related organ transplantation services, including evaluation, surgery,  
68.7 counseling, and postoperative treatment and care;
- 68.8 (3) refuse to refer the individual to a transplant center or other related specialist for the  
68.9 purpose of evaluation or receipt of an anatomical gift or organ transplant;
- 68.10 (4) refuse to place an individual on an organ transplant waiting list or place the individual  
68.11 at a lower-priority position on the list than the position at which the individual would have  
68.12 been placed if not for the individual's disability; or



68.13 (5) decline insurance coverage for any procedure associated with the receipt of the  
68.14 anatomical gift or organ transplant, including post-transplantation and postinfusion care.

68.15 (b) Notwithstanding paragraph (a), a covered entity may take an individual's disability  
68.16 into account when making treatment or coverage recommendations or decisions, solely to  
68.17 the extent that the physical or mental disability has been found by a physician, following  
68.18 an individualized evaluation of the potential recipient, to be medically significant to the  
68.19 provision of the anatomical gift or organ transplant. The provisions of this section may not  
68.20 be deemed to require referrals or recommendations for, or the performance of, organ  
68.21 transplants that are not medically appropriate given the individual's overall health condition.

68.22 (c) If an individual has the necessary support system to assist the individual in complying  
68.23 with post-transplant medical requirements, an individual's inability to independently comply  
68.24 with those requirements may not be deemed to be medically significant for the purposes of  
68.25 paragraph (b).

68.26 (d) A covered entity must make reasonable modifications to policies, practices, or  
68.27 procedures, when such modifications are necessary to make services such as  
68.28 transplantation-related counseling, information, coverage, or treatment available to qualified  
68.29 individuals with disabilities, unless the entity can demonstrate that making such modifications  
68.30 would fundamentally alter the nature of such services.

68.31 (e) A covered entity must take such steps as may be necessary to ensure that no qualified  
68.32 individual with a disability is denied services such as transplantation-related counseling,  
68.33 information, coverage, or treatment because of the absence of auxiliary aids and services,  
69.1 unless the entity can demonstrate that taking such steps would fundamentally alter the nature  
69.2 of the services being offered or result in an undue burden. A covered entity is not required  
69.3 to provide supported decision-making services.

69.4 (f) A covered entity must otherwise comply with the requirements of Titles II and III of  
69.5 the Americans with Disabilities Act of 1990, the Americans with Disabilities Act  
69.6 Amendments Act of 2008, and the Minnesota Human Rights Act.

69.7 (g) The provisions of this section apply to each part of the organ transplant process.

69.8 Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any  
69.9 individual who has been subjected to discrimination in violation of this section may initiate  
69.10 a civil action in a court of competent jurisdiction to enjoin violations of this section.